



DOCKET NO. 8229-017-27 CIP			
<u>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</u>			
IN RE APPLICATION OF: JAMES A. HUNTER, ET AL.		ART UNIT:	2872
SERIAL NO.: 10/029,875		EXAMINER:	AMARI, A.
FILING DATE: DECEMBER 31, 2001			
FOR: HIGH CONTRAST GRATING LIGHT VALVE			
 <u>REQUEST FOR RECONSIDERATION</u> ASSISTANT COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA, VA 22313-1450 SIR:			

Responsive to the Final Office Action issued in the above-captioned patent application on September 29, 2004, and in light of the Request for Continued Examination submitted herewith, withdrawal of the rejection of all claims as anticipated or obvious over U.S. Patent 6,233,087, Hawkins, alone or in view of U.S. Patent 5,311,360, Bloom, is respectfully requested.

Specifically, Applicants have previously presented, in the form of Declarations responsive to the rejection over U.S. Patent, 6,169,624, now withdrawn, evidence tending to demonstrate a date of invention of the subject matter claimed in advance of the effective filing dates of both the '624 and '087 patents. Those respective filing dates are August 11, 1999 and December 18, 1998.

In the Office Action of September 2004, the rejection over U.S. Patent 6,233,087, only, alone or in view of the '360 patent, was maintained, it being the position of the Examiner that none of the exhibits provided in the Declaration provide any test results to show that the subject matter claimed worked for the intended purpose. The Examiner also questions, pages 2-5 of the

Outstanding Office Action, whether the exhibits submitted demonstrate all the elements of the claims.

Applicants rely on the evidence originally submitted, together with the Declaration of Hunter submitted herewith. Time has not allowed the preparation of an executed Declaration, but Applicants submit the unexecuted Declaration herewith, and will submit an executed version of the same shortly. This Declaration of Hunter under 37 C.F.R. §1.131 demonstrates that in fact the subject matter of the invention was made prior to the effective filing dates of the references by the inventors. Accordingly, withdrawal of the rejections for anticipation and obviousness is respectfully requested.

Respectfully submitted,

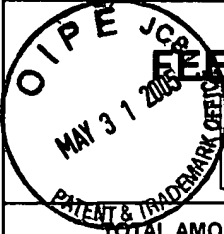
MERCHANT & GOULD



Steven B. Kelber
Registration No. 30,073
Attorney of Record


901 Fifteenth Street, N.W.
Suite 850
Washington, DC 20005
Telephone: (202) 326-0428
Facsimile: (202) 326-0778



 <div style="display: inline-block; text-align: center;"> <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <h3 style="margin: 0;">23552</h3> <small>PATENT TRADEMARK OFFICE</small> </div> </div>	Docket No.	8229-017-27 CIP		
	Serial No.	10/029,875		
	Filing Date	DECEMBER 31, 2001		
	Inventor(s)	JAMES A. HUNTER, ET AL.		
	Group Art Unit	2872		
TOTAL AMOUNT OF PAYMENT		\$1,810.00	Examiner	AMARI, A.

1. <input type="checkbox"/> Applicant claims small entity status. <input checked="" type="checkbox"/> Charge any UNDERPAYMENT or credit any OVERPAYMENT in the indicated fees to Deposit Account No. 13-2725. <input checked="" type="checkbox"/> Charge the indicated fees to Deposit Account No. 13-2725.										FEE CALCULATION (continued)							
										4. ADDITIONAL FEES							
										Large Entity		Small Entity		Fee Description		Fee Paid	
2. <input type="checkbox"/> Check enclosed.										Fee Code	Fee (\$)	Fee Code	Fee (\$)			Fee Paid	
FEE CALCULATION										1051	130	2051	65	Surcharge-late filing fee or oath			
1. BASIC FILING FEE										1053	130	1053	130	Non-English Specification			
Large Entity		Small Entity		Fee Description				1251	120	2251	60	1-mo. ext. of time					
Fee Code	Fee (\$)	Fee Code	Fee (\$)			Fee Paid		1252	450	2252	225	2-mo. ext. of time					
1011	300	2011	150	Utility filing fee				1253	1020	2253	510	3-mo. ext. of time		1020			
1012	200	2012	100	Design filing fee				1254	1590	2254	795	4-mo. ext. of time					
1013	200	2013	100	Plant filing fee				1255	2160	2255	1080	5-mo. ext. of time					
1014	300	2014	150	Reissue filing fee				1401	500	2401	250	Notice of Appeal					
1005	200	2005	100	Provisional filing fee				1402	500	2402	250	Appeal Brief					
1111	500	2111	250	Utility Search Fee				1403	1000	2403	500	Request for Oral					
1311	200	2311	100	Utility Examination Fee				1501	1400	2501	700	Utility/Reissue Issue					
SUBTOTAL (1)						\$0.00		1504	300	1504	300	Publication Fee					
2. EXTRA CLAIM FEES										8001	3	8001	3	Advance Copy of Patent			
tot. claims		0	-	20*	=	0	x	\$50	=	0	1806	180	1806	180	IDS Submission		
ind. claims		0	-	3*	=	0	x	\$200	=	0	8021	40	8021	40	Assignment Recordation		
<input type="checkbox"/> Multiple Dependent Claims								\$360	=		1801	790	2801	395	For Filing RCE		790
SUBTOTAL (2)						\$0.00		1814	130	2814	65	Terminal Disclaimer					

3. APPLICATION SIZE FEES										
Total # Sheets				# of Extra Sheets						
0		-100=		0						
# of Each Add'l 50 Sheets		Fee		Total Fee Due						
0		250		0						
SUBTOTAL (3)				\$0.00		SUBTOTAL (4)				\$1,810.00

Name	Steven B. Kelber	Registration No.	30,073		
Signature		Date	5/31/05	Telephone	202-326-0253
Name		Registration No.			